Supreme Court, U.S.
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No. _____

IN THE
SUPREME COURT OF THE UNITED STATES
October Term 1996

GLENN A. FROEMAN Petitioner,
v.
PARRIS GLENDENING;
J. JOSEPH CURRAN Respondents.

PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE FOURTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI
WITH APPENDIX

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18 pp

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QUESTIONS FOR REVIEW

1. Which federal court, the lower district court or the supreme court, has jurisdiction of a suit in law which alleges a series of civil rights violations and that some of these violations arises out of an ongoing state court action?

2. Must the entire civil suit be dismissed when the pleadings allege other non-state court action civil right violations?

REFERENCE TO OFFICIAL OPINIONS OF THIS CASE

In the United States District Court for the District of Maryland, the order dismissing this suit expressing lack of jurisdiction under the 'Rooker-Feldman' doctrine. And the United States Court of aAppeals for the Fourth Circuit order affirming the lower court order. They found no reversible error and affirmed on the reasoning of the district court.

GROUNDS FOR JURISDICTION

The courts stated above have decided, by denying this federal suit, important questions of federal law that requires the attention, guidence, and supervision of the supreme court. The fourth circuit decided on August 5, 1996.

The statutes providing this court with jurisdiction are 28 U.S.C. §1254 and S.CT.R.10.

LAW INVOLVED IN THIS CASE

42 U.S.C. §§ 1981,1982,1983,1985(3),1986,

and the jurisdictional §1988. United States Constitutional amendments 14,13,10,8. Maryland Constitutional parts, Declaration of Rights, Articles 5,23. 28 U.S.C. §1331.

STATEMENT OF THE CASE

The original complaint filed in U.S. District Court for Maryland may not have been well pleaded, but Froeman tried to aver that a series of civil rights violations by the defendants existed. Paragraph ten (10) of the complaint lists as authories 28 U.S.C. §§ 1331,1343. 42 U.S.C. §§ 1981,1982,1983(3), 1986,1988. And paragraph 9 (nine) requests "any other order, injunction, or relief,resolution,examination,situation or review, damages, and any other fair and reasonable endeaver, or thing, or process needed."

The complaint was written and filed when Froeman was under threat of immediate and unlawful arrest by his probation agent telling him that his probation will be revoked because he will not pay the court ordered restitution.. Froeman could only use his word processor only at considered 'safe' times. The defendants pleaded that the court

lacked subject matter jurisdiction over plaintiff's claims because of the 'Rooker-Feldman' doctrine. This doctrine is based on a trilogy of supreme court cases; District of Columbia Court of Appeals v. Feldmean, 460 U.S. 462 (1983). Altantic Coast line Railroad Co. v. Brother of Locomotive Engineers 398 U.S. 281 (1970). And Rooker v. Fidelity Trust Co. 263 U.S. 413 1923. The defendants state, , "Simply put, the 'lower federal courts pocess no power whatever to sit in direct reviiew of state court decisions.'" The lower court agreed and dismissed the suit.

AMPLIFYING ARGUMENTS

The language of the civil rights statutes are in simple, English words and easy to understand. The jurisdictional statute 28 U.S.C. § 1257 was in existance when the jurisdictional civil rights statute § 1988 was lagislated and must be considered as one of the laws refered to in this statute. The civil rights statutes allow citizens to sue, obtain damages, and vindication. It is § 1988 that is related to these objects and not § 1257. The supreme court concerns itself with 28 U.S.C. §1291. Also, in Maryland, the

people have a Maryland Constitutional Right to the common law. See Maryland Constitution, Declaration of Rights, Article 5. And the people have a right to a trial by jury of all issues of fact. See Maryland Constitution, Declaration of Rights, Article 23.

The original U.S. District Court complaint pleaded civil rights violation concerning slavery of tractor trailer drivers who are exempt from the Fair Labor Laws of Maryland. It stated that these drivers are 99.9% male and common sense tells you that these persons are against such exclusion. Nothing more needs to be pleaded. This is the lawful defination of slavery.

The State court related violations in sentenceing are; 1.In Maryland, debtor's prisons. See Maryland Constitution, Article III, §38 (prohibition against such prisons), the Maryland Code restitution Article27, §640 and §637 (Execution against convicts property for restitution). 2. Fees paid by persons on parole and probation, Maryland Code, Article 27, §641B which is also unConstitutional See Maryland Constitution, Article III, §60 (suspension of sentence), with it's original intent seen in Maryland

Code Article 27, §639 (suspension of sentence). There were also many alleged violations of trial proceedure and due process.

The state court action in this case has been docketed in tour court as no. 96-107.

As required by rule 12(.1), there are no parent or subsidiary companies to be listed. It is the real parties in interest to this action and no other.

Respectfully submitted,

Glenn A. Froeman

Glenn A. Froeman, Temporary pro se. P.O. Bx. 339 Pasadena Maryland 21123. Beeper # (410) 351-0330.

APPENDIX A

OPINIONS BELOW

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 96-6542

GLENN A. FROEMAN, Plaintiff-Appellant,

versus

Parris N. Glendening; J. Joseph Curran, Defendants-Appellees.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Benson E. Legg, District Judge. (CA-95-1875-L)

Submitted: July 23,1996 Decided: August 5,1996

Before Widener, Niemeyer, and Michael, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Glenn A. Froeman, Appellant Pro Se. John Joseph Curran , Attorney General, Regina Hollins Lewis, Assistant Attorney General, Baltimore Maryland, for Appellee.

Unpublished opinions are not binding precedent in his circuit. See Local Rule 36(c).

PER CURIAM:

Appellant appeals from the district court's order dismissing his action seeking injunctive relief to stay an order of restitution imposed by the state court. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. Froeman v. Glendening, No. CA-95-1875-L (D. Md. Mar. 28,1996). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional PROCESS.

AFFIRMED

APPENDIX B
OTHER OPINIONS

GLENN A. FROEMAN	:	IN THE UNITED
v.	:	STATES DISTRICT
J. JOSEPH CURRAN,	:	FOR THE DISTRICT OF
PARRIS GLENDENING	:	MARYLAND
	:	Civil no. L-95-1875

MEMORANDUM

Before the court is defendant's motion to dismiss. Plaintiff, Mr. Froeman, has filed this action against the governor and Attorney General of Maryland, making several allegations. Mr. Froeman alleges that he was convicted of battery in the District Court of Maryland for Baltimore County. An order for probation was entered against Mr. Froeman which requires him to pay restitution to the victim and to obtain mental health counseling. He further alleges that the criminal conviction is currently on appeal to the Circuit Court for Baltimore County. (Compl. ¶¶ 7,8).

This Court has no jurisdiction over this action, and therefore the Court shall dismiss the complaint. Federal district and appellate courts have no jurisdiction to review challenges to state court decisions in judical proceedings, even if those decisions are alleged to be unConstitutional. District

of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983); Atlantic Coast Line R.R. Co. v. Brotherhood of Locomotive Engineers, 398 U.S. 281 (1970) ("[L]ower federal courts possess no power whatever to sit in direct review of state court decisions."); and Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923).

Accordingly, by separate order, the Court shall GRANT defendant's motion to dismiss and DISMISS AS MOOT all of plaintiff's motions pending before this Court.

signed
Benson Everett Legg
U.S. District Judge

DATED: March 28, 1996.

ORDER

For the reasons stated in a memorandum of even date, the Court hereby GRANTS defendant's motion to dismiss; DISMISS AS MOOT all pending motions of the plaintiff; and DIRECTS the clerk to close the case. IT IS SO ORDERED this 28th day of March, 1996.

signed
Benson Everett Legg
U.S. District Judge

APPENDIX C
PERTINENT TEXTS

United States Statute;
28 U.S.C. §1257. State courts;certiorari

(a) Final judgements or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by Writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

(b) For the purposes of this section, the term "highest court of a State" includes the District of Columbia Court of Appeals.

United States statute
28 U.S.C. §2106 . Determination

The Supreme Court or any other court of appellate jurisdiction may affirm, modify,

vacate, set aside or reverse any judgement, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgement, decree, or order, or require such futher proceedings to be had as may be just under the circumstances.

United States statute

28 U.S.C. §1331 Federal Question

The District courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

United States statute

42 U.S.C. §1988. Proceedings in vindication of civil rights; attorney's fees

The jurisdiction in civil and criminal matters conferred on the districts by the provisions of titles 13,24,and 70 of the Revised Statutes for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not

adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the Constitution and statutes of the state wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty. In any action or proceeding to enforce a provision of sections 1981,1982,1983,1985, and 1986 of this title, titleIX of Public Law 92-318 [20 U.S.C. 1681 et seq.. or title VI of the Civil Rights Act of 1964 '42 U.S.C.2000d et seq.', the court, in its discretion, may allow the prevailing party, other then the United States, a reasonable attorney's fee as part of the cost.

Maryland Constitution Declaration of Rights
Article 5

That the Inhabitants of Maryland are

entitled to the Common Law of England, and the trial by jury, according to the course of that law, and to the benefit of such of the English statutes as existed on the fourth day of July, seventeen hundred and seventy-six; and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used, and practiced by the Courts of law or Equity; and also of all Acts of Assembly in force on the first day of June, eighteen hundred and sixty-seven, except such as may have since expired, or may be inconsistent with the provisions of this Constitution; subject, nevertheless, to the revision of, and amendment or repeal by, the Legislature of this State. And the Inhabitants of Maryland are also entitled to all property derived to them from, or under the Charter granted by his Majesty Charles the First to Caecilius Calvert, Baron of Baltimore. AND

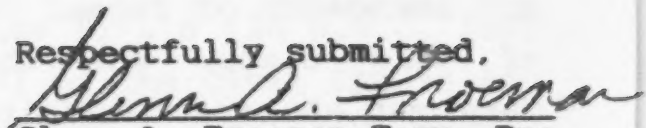
Article 23

In the trial of all criminal cases, the Jury shall be the Judges of Law, as well as of fact, except that the Court may pass upon the sufficiency of the evidence to sustain a

a conviction.

The right of trial by Jury of all issues of fact in civil proceedings in the several Courts of Law in this State, where the amount in controversy exceeds the sum of five thousand dollars shall be inviolably preserved.

Respectfully submitted,



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